



**United State Environmental Protection Agency
New England – Region I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912**

NOV 11 2015

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Deborah Roy, President
Roy Bros, Inc.
764 Boston Road
Billerica, MA 01821

Re: Request for Information, Docket No. CWA-308-R01-FY16-07
Discharge of aluminum sulfate to Fall Brook and Fall River from Roy Bros, Inc. tanker truck on September 21, 2015.

Dear Ms. Roy:

The U.S. Environmental Protection Agency ("EPA") received a spill report for the above-referenced aluminum sulfate discharge on September 21, 2015 to Fall Brook and the Fall River. To enable EPA to determine whether the discharge violated Section 311(b)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1321, you are hereby required, under the authority of Sections 308 and 311(m) of the Act, 33 U.S.C. §§1318 and 1321(m), to provide a response within 30 days of receipt of this letter to the attached request. Your response shall be sent by certified mail to:

U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joseph Canzano, P.E.
Region I Oil Spill Prevention Compliance Coordinator
Mail Code OES04-4

Please be advised that noncompliance with the Clean Water Act may subject you to both injunctive relief and penalties. EPA reserves its right to take further enforcement action pursuant to the Clean Water Act, including the right to seek civil penalties, for any violations, including those described above.

Please be further advised that compliance with this information request is mandatory, and failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18

U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you.

Enclosed with this information request letter is an information sheet intended to assist small businesses, as defined by the Small Business Administration ("SBA") at 13 C.F.R. Part 121.201, in understanding and complying with environmental regulations. EPA routinely provides this information to businesses in the course of its enforcement activities, whether or not they are a small business as defined by the SBA. The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an agency enforcement activity. The enclosed Information Sheet provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. Please be aware that availing yourself of this opportunity does not relieve Roy Bros, Inc. of its responsibility to comply with federal law and this information request.

Your response to this Request must be accompanied by the Statement of Certificate signed and dated by a person who is authorized to respond to the information request on behalf of the company. The Statement of Certification is enclosed.

If you have any questions concerning your compliance with this letter, please contact Joseph Canzano, Region I Oil Spill Prevention Compliance Coordinator, at (617) 918-1763, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosure

cc (via email): Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
 Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1

Enclosure
CWA 308 and 311(m) Request for Information Questions

Re: Discharge of aluminum sulfate to Fall Brook and the Fall River from Roy Bros, Inc. tanker truck on September 21, 2015

1. Provide a detailed and comprehensive description outlining the above-referenced discharge, including:
 - a. The date and time the discharge occurred, the date and time the discharge was discovered, and the date and time the discharge was reported to the National Response Center and any other appropriate federal, state and/or local agencies (e.g., EPA, state environmental agency, fire department). Include the name and phone number of the agency personnel contacted.
 - b. The name of each body of water that spilled material entered. If spilled material entered one or more bodies of water or their adjoining shorelines name those bodies of water as well.
 - c. The quantity (in gallons) of spilled material and the quantity (in gallons) of spilled material that entered one or more bodies of water or adjoining shorelines.
 - d. The pathway the spilled material traveled, starting from the original spill point (i.e., the location of the tanker truck when it rolled-over) to the most distant water body into which it flowed. Describe, if applicable, the hydrological connection between any municipal or private stormwater drainage systems to surface waters by which spilled material traveled.
 - e. The extent to which the discharge caused a film or sheen on the surface of the water and/or caused a sludge or emulsion to be deposited on or in the water body bottom or on adjoining shoreline soils or vegetation. Also, indicate if the discharge caused the water body to change color and describe the extent of the discoloration in the water body.
 - f. Any environmental damage resulting from the spill, such as fish kills, dead waterfowl or animals, stained or dead vegetation, stained soil, etc.
 - g. Any damage to public or private property, such as road surfaces, bridge abutments, dams, beaches, boat hulls, wells, etc.
 - h. A summary of events immediately preceding the spill event, including the probable cause of the accident which resulted in the spill. Provide the name and title of company personnel associated with the cause of, reporting of, or attempted control of the spill.
 - i. Any actions taken to control and/or remove the spilled material from the environment or to mitigate its effects on the environment, including a summary of

the costs of such actions. Please provide copies of all clean-up contractor invoices and manifests.

- j. Any measures taken after the spill to prevent a recurrence, including the costs of such measures.
 - k. The names, titles, addresses, and phone numbers of employees and officials you believe to have knowledge of the facts surrounding the spill event.
 - l. Copies of any reports conducted by state environmental agencies, state or local police, fire departments, insurance companies, etc. Also, include any traffic citations or fines issued.
2. Provide the name, address, and phone number of the tanker truck's owner, if different from Roy Bros, Inc.
 3. Provide the name, address, and phone number of the tanker truck's operator, if different from the owner.
 4. Provide, in chronological order, a history of any spill events from Roy Bros, Inc. within the past five years. Explain the circumstances of each spill, the quantity of oil or hazardous material spilled, whether the oil or hazardous materials reached any bodies of water, and if so, the names of such water bodies, and the quantity of oil or hazardous materials entering such water bodies.
 5. Provide the following information regarding the driver of the tanker truck involved in the traffic accident:
 - a. Copies of any driving citations the driver received relating to this (if applicable) and any other incident.
 - b. The length of time the driver has been working for the company, the length of time the driver has been driving a tanker truck for the company, and the length of time the day of the spill the driver had been driving the tanker truck prior to the spill.
 - c. A description of the driver's experience and/or training certificates, if applicable, in operating the tanker truck involved in the roll-over incident.
 - d. A description and/or certifications of any training the driver received in spill response.
 6. Provide a description of any training program in place for your tanker truck drivers related to spill response.
 7. Provide the maintenance records for the truck involved in the September 21, 2015 roll-over during the past 3 years.
 8. Provide any additional information which you wish to bring to the attention of EPA.

Statement of Certification

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Roy Bros, Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

(Signature Name)

(Print Name)

(Title)

(Date)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center

www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center

Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.